

Remarks

Claims 1 and 15 are amended in order to more clearly define the claimed invention. Claim 1 now includes the features of original Claims 2 - 6, and Claim 15 now includes the features of original Claims 16 and 18 - 21. Claims 1 and 15 are now limited to "a culture apparatus for culturing samples".

It is respectfully submitted that no new matter is added. It is believed that this amendment is fully responsive to the Office Action mailed August 2, 2006.

The present invention is a culture apparatus for culturing samples on containers inside a chamber adjusted to predetermined ambient conditions. The culture apparatus has a container transport device disposed inside the chamber centrally thereof, a transport table for placing the container thereon, and a drive mechanism for driving the transport table in the direction of X-axis and the direction of Y-axis which are orthogonal on a horizontal plane, and in the direction of Z-axis orthogonal to these directions. A container accommodating rack is disposed on each of opposite sides of the transport device which sides are along the direction of X-axis, the accommodating rack has container accommodating portions in the direction of Y-axis and in the direction of Z-axis for accommodating therein respective containers. The container is movable into or out of the desired container accommodating portion of the desired rack by the transport device. The container accommodating rack has a plurality of stackers arranged in the direction of Y-axis, and each of the stackers comprises container accommodating portions repeatedly provided in the direction of Z-axis.

The chamber has an opening facing toward the direction of Y-axis and a door for closing the opening, and the plurality of stackers constituting the accommodating rack are mounted on a drawer installed on a base and slidable in the direction of Y-axis. The plurality of stackers are withdrawable through the opening along with the drawer, with the door opened, and the chamber has a container inlet for transporting the container into the chamber therethrough. The container inlet has a container carriage mechanism connected thereto, and the chamber has attached thereto a shutter mechanism for opening and closing the container inlet.

Claim 12 is rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor (s), at the time the application was filed, had possession of the claimed invention. Reconsideration and removal of this rejection is respectfully requested.

Claims 1 and 15, as amended, do not include the feature of introducing air from outside the chamber into the motor case, therefore the subject matter of concern is no longer being claimed.

In view of the amendments to Claims 1 and 15 and the cancelling of Claims 2 - 14 and 16 - 21 removal of this rejection is respectfully requested.

Claims 1, 5 and 8 are rejected under 35 USC § 102(b) as being anticipated by Schlecker et al. (U.S. Patent No. 5,456,562).

U.S. Patent Application Serial No. **10/715,127**
Reply to OA dated August 2, 2006

Claim 1 is rejected under 35 USC §102(b) as being anticipated by Bradley et al. (U.S. Patent No. 6,377,867).

Claim 10 is rejected under 35 USC §102(b) as being anticipated by Bradley et al. as evidenced by Yahiro (U.S. Patent No. 6,228,636).

Claims 1, 3, 5 and 18 - 20 are rejected under 35 USC §102(b) as anticipated by Kavieff (U.S. Patent No. 4,883,401).

Claim 10 is rejected under 35 USC §102(b) as being anticipated by Kavieff as evidenced by Yahiro et al. (U.S. Patent No. 6,228,636).

Claim 2 is rejected under 35 USC §103(a) as being unpatentable over Kavieff as applied to Claim 1, and further in view of Goffe (U.S. Patent No. 5,882,918).

Claim 4 is rejected under 35 USC §103(a) as being unpatentable over Kavieff as applied to Claim 3, and further in view of Yahiro et al. and Gonska et al. (U.S. Patent No. 6,568,770).

Claim 6 is rejected under 35 USC §103(a) as being unpatentable over Kavieff as applied to Claims 1 and 5, and further in view of Yahiro et al.

Claim 7 is rejected under 35 USC §103(a) as being unpatentable over Kavieff as applied to Claim 5, and further in view of Khan (U.S. Patent No. 3,618,734).

Claim 9 is rejected under 35 USC §103(a) as being unpatentable over Kavieff as applied to Claim 1, and further in view of Helwig et al. (U.S. Patent No. 6,129,428) and Kremerman (U.S. Application No. 20040001750).

Claims 11 and 12 are rejected under 35 USC §103(a) as being unpatentable over Helwig et al. in view of Kapka et al. (U.S. Patent No. 5,635,398) and the English translation of Yoshinaga (JP 405276711).

Claims 13 and 14 are rejected under 35 USC §103(a) as being unpatentable over Helwig et al. in view of Kapka et al. and Yoshinaga as applied to Claim 11, and further in view of Blair (U.S. Patent No. 3,445,743).

Claims 15 and 16 are rejected under 35 USC §103(a) as being unpatentable over Kavieff as applied to Claim 1, and further in view of Weselak et al. (U.S. Patent Application No. 2003/0031602).

Claim 17 is rejected under 35 USC §103(a) as being unpatentable over Kavieff in view of Weselak et al. as applied to Claim 15, and further in view of Barbera-Guillem (U.S. Patent No. 6,673,595).

Claim 21 is rejected under 35 USC §103(a) as being unpatentable over Kavieff as applied to Claim 18, and further in view of Barbera-Guillem.

Reconsideration and removal of the above-listed rejections is respectfully requested.

In view of the amendments to Claims 1 and 15, indicated above, arguments to each individual rejection are not provided. As mentioned above, Claim 1 now includes features of original Claims 2 - 6. In particular Claim 1 now includes the feature of original Claim 4, that is: the chamber has an opening facing toward the direction of Y-axis and a door for closing the opening, and the plurality

of stackers constituting the accommodating rack are mounted on a drawer installed on a base and slidable in the direction of Y-axis, the plurality of stackers being withdrawable through the opening along with the drawer, with the door opened.

In the rejection of Claim 4, listed above, it is alleged that Gonska et al. discloses stackers positioned upon a drawer (11) as shown in Fig. 5. It is respectfully submitted that component (11) of Gonska et al., which is described at column 3, line 58 of Gonska et al. to be a “mounting plate” is not a “drawer” as shown at (22) in present Figs. 1, 2, and 4, and described at page 17, lines 16-19 of the present specification. Component (11) of Gonska et al. could not function in the same manner as the presently disclosed drawer.

In view of the amendment to Claim 1 to limit the claimed device to a culture apparatus for culturing samples, and the above remarks regarding the lack of disclosure or a suggestion of a “drawer”, it is believed that Claim 1 is patentably distinct from the cited references. Removal of the rejection of Claim 1 is respectfully requested.

As mentioned above, Claim 15 now includes features of original Claims 16 and 18 - 21. In particular Claim 15 now includes the feature of original Claim 21, that is: the information processing means stores delivery management information for managing the time to deliver the container in the storage means along with the container identification information, the control means being operable to monitor the delivery time for the plurality of containers arranged inside the chamber based on the container identification information and the delivery management information and to give the

information display device a command to display arrival of the delivery time upon the arrival of the time to deliver the container.

In the rejection of Claim 21, listed above, it is alleged that Barbera-Guillem teaches that information derived from the identification code reader and/or position sensors is displayed on the display device and that such information inherently could include “maintenance times” (Claim 17). Although the feature of Claim 21 “time to deliver” is not commented on, it is believed that it was the Examiner’s intention to recite that it too could be inherently included, as such “time to deliver” is not taught by Barbera-Guillem.

It is respectfully submitted that Barbera-Guillem does not hint or suggest displaying the claimed “time to deliver” information and that just because a device could inherently display certain information does not make obvious an apparatus having information processing means for storing delivery management information for managing “time to deliver”.

In view of the amendment to Claim 15 to limit the claimed device to a culture apparatus for culturing samples, and the above remarks regarding the lack of disclosure or a suggestion of information processing means for storing delivery management information for managing “time to deliver”, it is believed that Claim 15 is patentably distinct from the cited references. Removal of the rejection of Claim 15 is respectfully requested.

It is believed that Claims 1 and 15 are now in condition for allowance. Allowance of Claims 1 and 15 is respectfully requested.

U.S. Patent Application Serial No. 10/715,127
Reply to OA dated August 2, 2006

If there are any issues of a minor nature remaining, the Examiner is urged to contact Applicants' attorney, the undersigned, at Area Code (202) 659-2930.

In the event that any fees are due in connection to this paper, please charge our Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,
HANSON & BROOKS, LLP



William G. Kratz, Jr.
Attorney for Applicant
Reg. No. 22,631

WGK/JNB/bak

Atty. Docket No. 031279
Suite 1000, 1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



23850

PATENT TRADEMARK OFFICE